

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS E. ARAUJO,

Plaintiff,

-against-

RUBIN SCHRON, ABE BILLER, BEN
BLUMENFIELD, A.K.A. CENTRAL QUEENS
PROPERTIES, A.K.A. 853 SEVENTH AVE.
OWNERS L.L.C., A.K.A. 853 SEVENTH
AVENUE ASSOCIATES, A.K.A. 853
SEVENTH AVE. REALTY CORPORATION,
NEIL HARTMAN, SAL KURTZ, VICTOR
VIZINHA, MANOEL JEREMIAS, RALPH
LOPEZ, GILBERTO SMITH, 853 TENANTS
OF 853.

Defendants.
-----X

Civil Action No. 07 Civ 6210 (LAK)

**ANSWER TO SUMMONS WITH
NOTICE**

Defendants, Rubin Schron, Abe Biller, Ben Blumenfield, A.K.A. Central Queens Properties, A.K.A. 853 Seventh Ave. Owners L.L.C., A.K.A. 853 Seventh Avenue Associates, A.K.A. 853 Seventh Avenue Realty Corporation, Neil Hartman, Sal Kurtz, Victor Vizinha, Manoel Jeremias, Ralph Lopez and Gilberto Smith (collectively, "Defendants"), by and through their counsel, Clifton Budd & DeMaria, LLP, answer the Summons with Notice of Plaintiff, Luis E. Araujo ("Plaintiff"), in the above-captioned matter as follows:

FIRST COUNT

Defendants generally deny the allegations set forth in the Summons with Notice, except to admit Plaintiff was terminated from his employment.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred for lack of subject matter jurisdiction.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred for lack of standing.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred for failure to exhaust a contractual remedy.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred for failure to satisfy a condition precedent.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's demand is barred, in whole or in part, by a failure to mitigate his damages.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

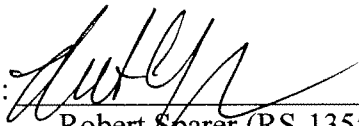
Plaintiff's claims are subject to the mandatory arbitration clause within the collective bargaining agreement between Realty Advisory Board on Labor Relations Incorporated and Service Employees International Union, Local 32BJ, which controls Plaintiff's employment.

WHEREFORE, Defendants demand judgment dismissing the Summons with Notice in its entirety, and request that this Court grant Defendants their costs, attorneys' fees and such other and further relief that this Court deems just and proper.

Dated: New York, New York
July 3, 2007

Respectfully submitted,

CLIFTON BUDD & DeMARIA LLP
Attorneys for Defendants

By: 
Robert Sparer (RS-1355)
420 Lexington Avenue, Suite 420
New York, New York 10170
(212) 687-7410
Fax: (212) 687-3285

TO: Luis E. Araujo
Plaintiff, *Pro Se*
316 W. 47th Street, Apt 3RW
New York, NY 10036
(646) 345-1212